



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 27, 1997

The Honorable Ron Lewis  
Chair, House County Affairs Committee  
Texas House of Representatives  
P.O. Box 2910  
Austin, Texas 78768-2910

Letter Opinion No. 97-029

Re: Whether a charity receiving funds under a juror reimbursement donation program must have been approved by a commissioners court prior to January 1, 1995 (ID# 39165)

Dear Representative Lewis:

You ask about the correct interpretation of section 61.003(c) of the Government Code. That section generally gives prospective jurors the opportunity to donate all or part of their juror's reimbursement for jury service to the compensation of victims of crime or to certain charities. Subsections (a) and (b) provide the mechanism for the funds to be deposited to the credit of the state compensation to the victims of crime fund. Subsection (c), however, provides for the donations to go to charity, as follows: "Notwithstanding Subsections (a) and (b), a juror reimbursement donation program established before January 1, 1995, may solicit juror donations and provide all funds collected in the name of that program to the charities served by that program on January 1, 1995."<sup>1</sup> Gov't Code § 61.003(c).

You now ask whether a charity receiving funds pursuant to section 61.003(c) must have been approved by the commissioners court<sup>2</sup> prior to January 1, 1995, or whether the charity must have merely been established prior to January 1, 1995. The plain language of subsection (c) requires that the juror reimbursement donation *program* must have been established before January 1, 1995, not the charity itself or the commissioners court's approval. Logically, the charities would have to have been established prior to that date in order to be served by the program on that date. We therefore believe that a juror reimbursement donation program established before January 1, 1995, may solicit donations from jurors' or potential jurors' reimbursement for jury service and provide those funds to the charities served by the program on January 1, 1995.

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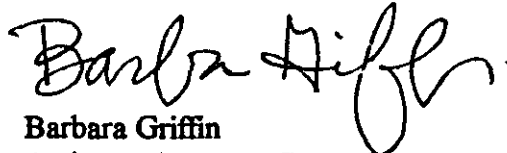
<sup>1</sup>When Representative Hartnett offered the amendment that added subsection (c), he stated that the amendment merely "grandfathered" existing juror reimbursement donation programs. Debate on S.B. 346 on the Floor of the House, 74th Leg., R.S. (May 16, 1995) (tape available from House Video/Audio Services Office).

<sup>2</sup>We assume but do not decide that a commissioners court has authority to approve juror reimbursement donation programs. See *Canales v. Laughlin*, 214 S.W.2d 451 (Tex. 1948) (counties have only the authority granted by constitution and statutes).

**S U M M A R Y**

Section 61.003(c) of the Government Code allows a juror reimbursement donation program established before January 1, 1995, to solicit funds from jurors or potential jurors and provide those funds to the charities served by the program on January 1, 1995.

Yours very truly,

A handwritten signature in black ink, appearing to read "Barbara Griffin". The signature is fluid and cursive, with a large, stylized "B" and "G".

Barbara Griffin  
Assistant Attorney General  
Opinion Committee